

# **Minnesota Board of Pharmacy**

## **SEVEN HUNDRED AND SIXTY-FIRST MEETING**

At approximately 8:30 a.m., February 18, 2004, the Minnesota Board of Pharmacy met in Conference Room A, at the University Park Plaza Building, 2829 University Avenue Southeast, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. In attendance were Ms. Betty Johnson, Ms. Jean Lemberg, Mr. Chuck Cooper, Mr. Carleton Crawford, and Mr. Vern Kassekert. Also in attendance were the Board's Executive Director, Mr. David Holmstrom, and the Board's Legal Counsel, Ms. Rosellen Condon. In the absence of President Dickson and Vice President Schneider, Ms. Betty Johnson, past president of the Board, conducted the meeting.

After reviewing, amending, and approving the agenda for this meeting, the Board addressed the minutes of the meeting of January 6, 2004. Mr. Carleton Crawford then moved and Mr. Vern Kassekert seconded that the minutes be approved as written. The motion passed.

The Board now convened the closed, quasi-judicial portion of the meeting.

The first item of a quasi-judicial nature, on which the Board took final action, involved the pharmacist license of Mr. Bruce D. Gruenhagen. Ms. Condon presented the Board with a proposed Stipulation and Order in the matter of the pharmacist license of Mr. Gruenhagen. The Stipulation and Order was developed subsequent to a conference held with Mr. Gruenhagen on January 9, 2004. The Stipulation and Order has been agreed to and signed by Mr. Gruenhagen.

Mr. Gruenhagen now, personally, appeared before the Board to discuss the proposed Stipulation and Order. After discussing the proposed Stipulation and Order with Mr. Gruenhagen, Mr. Vern Kassekert moved and Mr. Carleton Crawford seconded that the Stipulation and Order be approved by the Board and that Mr. Holmstrom be directed to sign the Stipulation and Order on the Board's behalf. The motion passed.

The Board now returned to its open, general session.

The Board next turned its attention to applications to conduct new pharmacies, which it has received since its last meeting. The first application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Coborn's Pharmacy #16, in Long Prairie, Minnesota, by Mr. Ted Beatty, Pharmacist-in-charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, Mr. Carleton Crawford moved and Mr. Vern Kassekert seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The second application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Cub Pharmacy #764, in St. Paul, Minnesota, by Mr. John Ertel, Cub District Manager. After carefully reviewing this application, and a diagram of the proposed pharmacy, Mr. Vern Kassekert moved and Ms. Jean Lemberg seconded that the application be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy and subject also to the successful completion of an on-site inspection by a member of

the Board's staff to assure compliance with pharmacy Board rules dealing with licensure, and with special attention being paid to the patient-counseling area. The motion passed.

The third application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Falk's Spirit Valley Pharmacy, in Duluth, Minnesota, by Mr. Steven Preston, Interim Pharmacist-in-charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that the application be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy and subject also to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure, and with special attention being paid to the adequacy of the patient-counseling area. The motion passed.

The fourth application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Guardian Pharmacy Services, in Eden Prairie, Minnesota, by Mr. Jerry Edwards, Pharmacist-in-charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, and noting that it is a closed door nursing home only pharmacy, Mr. Chuck Cooper moved and Mr. Vern Kassekert seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure, and with special attention being paid to the security of the licensed area. The motion passed.

The fifth application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of HealthEast Pharmacies Woodwind, in Woodbury, Minnesota, by Mr. Joe Miller, Pharmacist-in-charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, Ms. Jean Lemberg moved and Mr. Chuck Cooper seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure, and with special attention being paid to the adequacy of the consulting area and the security of the entire licensed area. The motion passed.

The sixth application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of MedSave Pharmacy, in New Hope, Minnesota, by Ms. Stephanie Dauer, Pharmacist-in-charge. After carefully reviewing this application, and noting that it had been preliminarily reviewed at the January meeting of the Board, and after noting that it has now undergone the on-site inspection by a member of the Board's staff, Mr. Chuck Cooper moved and Mr. Carleton Crawford seconded that the application be approved and a license issued. The motion passed.

The final application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Prairiestone Pharmacy #5, in Edina, Minnesota, by Mr. Marvin Richardson, Interim Pharmacist-in-charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, Mr. Carleton Crawford moved and Mr. Vern Kassekert seconded that the application be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy and subject also to the successful completion

of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

Mr. Holmstrom next presented the Board with a list of continuing education programs submitted to and reviewed by the Continuing Education Advisory Task Force between the dates of November 18, 2003 and January 13, 2004, and also between the dates of January 13, 2004 and February 10, 2004. After reviewing the list of programs submitted to and reviewed by the Continuing Education Advisory Task Force, Mr. Vern Kassekert moved and Mr. Carleton Crawford seconded that those programs recommended for approval be so approved and that those programs for which denial of approval was recommended be denied. The motion passed.

The Board next turned its attention to performance of candidates for licensure by examination that have now completed all parts of the January 2004 Board Examination. For Full Board Examination candidates, the Board determined that, in grading the examinations, the NAPLEX portion of the exam would be weighted at 65% of the total, the Board's Practical Examination weighted at 20% of the total, the Multistate Pharmacy Jurisprudence Examination weighted at 15% of the total, and that the minimum passing score on each of those parts, as well as the minimum overall score, would be 75. With the passing level thus established, Mr. Vern Kassekert moved and Ms. Jean Lemberg seconded that the following candidates be granted licensure as pharmacists:

<u>NAME</u>	<u>CERTIFICATE #</u>	<u>REGISTRATION #</u>
Carolyn Choe Hansen	8540	117923-1
Wasana Bates	8548	117931-2
Katie A. Deatherage	8549	117932-5
Jennifer R. Anderson	8550	117933-8
Melissa N. Walters	8551	117934-1
Clive Buruchara	8552	117935-4
Hanh Thi Ngoc Ngo	8553	117936-7
Nicole Lynn Ries	8554	117937-0
Sandra Lynn Monger	8557	117940-6
Annie C. Preisler	8559	117942-2
Aaron C. Terning	8560	117943-5

The Board next addressed itself to the performance of the candidates for licensure by reciprocity that have taken the Multistate Pharmacy Jurisprudence Examination for Minnesota since the Board's last meeting. After a thorough review of the performance of the candidates for licensure by reciprocity, Mr. Vern Kassekert moved and Ms. Jean Lemberg seconded that, having passed the Multistate Pharmacy Jurisprudence Examination required of candidates for licensure by reciprocity, the following candidates be granted such licensure based on their current license to practice in the state listed with their name:

<u>CERTIFICATE #</u>	<u>NAME</u>	<u>STATE OF ORIGINAL LICENSURE</u>
8545	Garret D. Johnson	ND
8546	Kent Edward Peterson	IL
8547	Marvin R. Richardson	TX
8556	Michael Scott Flagstad	WI
8558	Jennifer Marie Zimmerman	IA
8561	Maria Therese Angelici	AZ

The motion passed.

Mr. Holmstrom next presented the Board with a letter from Mr. Lyle Lamoureux. Mr. Lamoureux is seeking licensure in Minnesota via reciprocity from North Dakota. Mr. Lamoureux, however, has not been in active pharmacy practice for many years and has recently reinstated his North Dakota license, which would allow him to reciprocate.

Mr. Lamoureux indicates that, among the requirements for reinstating his license to practice pharmacy in North Dakota, he obtain 500 hours of practice under the supervision of a fully-licensed pharmacist and complete 11 modules of Pharmacotherapy sponsored by the American College of Clinical Pharmacy. Mr. Lamoureux has now completed 536 hours of practical experience and has completed 9 of the 11 modules of Pharmacotherapy and is requesting that the Board allow him to become licensed by reciprocity in Minnesota and not require him to participate in the Practical Examination, which the Board normally requires of pharmacists who have not been engaged in active pharmacy practice during the two years immediately preceding their request to reciprocate. After a brief discussion of Mr. Lamoureux' situation, Mr. Chuck Cooper moved and Mr. Carleton Crawford seconded that the Board allow Mr. Lamoureux to reciprocate to Minnesota, but that he be required to take and pass the Board's Practical Examination as part of the reciprocity process. The motion passed.

Mr. Holmstrom next presented the Board with information relating to issues of interest to the Rules/Legislation Committee. The first such issue involved an appearance before the Board of Mr. Harlan Langstraat and Mr. Peter Bjerke, of Mayo Pharmacies, and Mr. Ken Guenther, an attorney from Chronimed Pharmacy. These individuals presented the Board with information relating to a bill being introduced into the Minnesota Legislature that would amend Minnesota Statutes Chapter 152 relating to controlled substance prescriptions and expanding the area from which Minnesota pharmacists may accept controlled substance prescriptions. Mr. Langstraat, Mr. Bjerke, and Mr. Guenther are requesting that the Board support the proposed legislative change. After discussing the proposed legislation and the reasons behind it with these individuals, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that the Board support the proposed legislative change. The motion passed.

Ms. Julie Johnson, Executive Vice President and CEO of the Minnesota Pharmacists Association, now appeared before the Board and described a piece of proposed legislation, Senate File 1580, that would strengthen the laws regarding the illegal manufacture and distribution of methamphetamines in Minnesota by, in part, imposing controls on

methamphetamine precursors. After discussing the various aspects of the proposed legislation, Mr. Chuck Cooper moved and Mr. Vern Kassekert seconded that the Board support the concept of controlling precursor drugs in order to reduce the likelihood of illegal methamphetamine production in Minnesota. The motion passed.

Mr. Holmstrom next presented the Board with a letter from Mr. Ken Whittemore, from SureScripts. SureScripts was created, by the National Community Pharmacists Association and the National Association of Chain Drug Stores, to promote the adoption of electronic prescribing connectivity in the community pharmacy setting. Mr. Whittemore is seeking the Board's interpretation of subpart 2(A) of MN Rule 6800.3950 relating to the electronic transmission of prescription orders and how that rule section impacts on the process of prescription order transmission being developed by SureScripts.

After reviewing the information provided by Mr. Whittemore, the Board indicated that it is of the impression that the SureScripts system would be in compliance with MN Rule 6800.3950, but that the Board will want additional information regarding the operation of SureScripts prior to its installation in Minnesota.

At this time, Mr. Duc Truong again appeared before the Board to confirm the steps he has taken, since the January Board meeting, regarding enrollment in an accent reduction class for pharmacists offered through Regions Hospital. After reviewing Mr. Truong's situation, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that Mr. Truong be allowed to sit for the Board exam in Minnesota without first being certified by the Foreign Pharmacy Graduate Examination Commission at such time as he completes the accent reduction program for pharmacists. The motion passed.

The Board next turned its attention to the report of the Variance Committee. Mr. Carleton Crawford moved and Mr. Vern Kassekert seconded that the Variance Committee report be amended by requiring the new pharmacist-in-charge of SmartFill, in Austin, Minnesota, to notify us as to which pharmacies are involved in the central-fill operation and where they are in the review of prescriptions cycle which was imposed upon them at the time of original approval of the variance. The motion passed. Mr. Carleton Crawford then moved and Mr. Vern Kassekert seconded that the Variance Committee report be adopted as amended. The motion passed.

Mr. Holmstrom next presented the Board with a letter he received from Mr. Daniel Krinsky, Director, Business Partnering and Academic and Retail Pharmacy Sales, with Lexi-Comp, Inc. Mr. Krinsky is requesting the Board approve Lexi-Comp, which is an electronic system allowing retail pharmacies to access an on-line library of databases in lieu of the Board's current requirement of hard copy reference books. After a brief discussion, the Board directed Mr. Holmstrom to inform Mr. Krinsky that pharmacists may utilize the Lexi-Comp system, but will be expected to have at least one hard copy reference, in addition to the Board of Pharmacy Laws and Rules in the Pharmacy.

The Board next began discussion of the National Association of Boards of Pharmacy Annual meeting in Chicago. Ms. Jean Lemberg moved and Mr. Vern Kassekert seconded that the Board members and the Board's Executive Director be authorized to attend the annual meeting of the National Association of Boards of Pharmacy at Board expense to the extent that the Board's budget permits. The motion passed.

There being no further business to come before the Board at this time, Ms. Betty Johnson adjourned the meeting at approximately 11:45 a.m.

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PRESIDENT

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EXECUTIVE DIRECTOR

**VARIANCE COMMITTEE REPORT**  
**January 28, 2004**

**New Variances**

Falk's Nursing Service Pharmacy (Duluth)

Steve Preston, PIC

Request permission for 1) when a label is produced a registered nurse will check the label with a picture reference of the medication and make note of the physical characteristics of the medication; 2) the RN takes the label to the facility and verifies the direction change with the order on the chart and the Med administration record; and 3) the RN will then place the new label on the medication with a notation of the expiration date. If the label and the chart do not match, no change is made.  
Deferred (DH to get input from all major long term care pharmacies)

Walgreens Pharmacy #07126 (Duluth)

Mark Yapel, PIC

Request permission to allow the utilization of automated counting cells distributed by Baker APS Systems in the pharmacy

Approved – one year (on condition you address how you will handle return to stock of unused prescriptions, a pharmacist will visually verify the loading of the cells, and you document the cleaning of the cells)

Walgreens Pharmacy #6280 (Eden Prairie)

Michael Froehle, PIC

Request permission to allow the utilization of automated counting cells distributed by Baker APS Systems in the pharmacy

Approved – one year (on condition you address how you will handle return to stock of unused prescriptions, a pharmacist will visually verify the loading of the cells, you document the cleaning of the cells, and certification of prescription by pharmacist)

**Extensions:**

Care Alliance Pharmacy (Crystal)

David Dahlgren, PIC

Extension relates to variance for 1) automatically exchanging E-kits on a twice-weekly basis and 2) nurses assisting pharmacists with the monthly inventory of E-kits at long-term care facilities

Approved – two years

Fairview Eagan Pharmacy (Eagan)

Joe Duchene, PIC

Extension relates to variance allowing you to stock and dispense sample medications for physicians of Fairview Eagan Clinic located within the same building

Approved – one year (but in the future have your pharmacist-in-charge sign the request)

Falls Memorial Hospital Pharmacy (International Falls)

Richard Peterson, PIC

Extension relates to variance allowing you to prepare prepackaged antibiotic suspensions for dispensing out of the hospital's emergency room by ER physicians

Approved – five years

Mayo Clinic Pharmacy - Eisenberg (Rochester)

Joshua Grabow, PIC

Extension relates to variance allowing the utilization of automation in the pharmacy (specifically, you sought exemption from the Board's requirement that pharmacists check the manufacturer's original container from which the medication was withdrawn during the certification process of prescription filling)

Approved – two years

Mercy Hospital Pharmacy (Coon Rapids)

Brent Kosel, PIC

Extension relates to variance for a technician-to-pharmacist ratio of 3:1 for certain time periods and a ratio of 4:1 for other certain time periods

Deleted [per January Board meeting – no longer needed]

Pamida Pharmacy #311 (Pine City)

Dennis Guthmueller, PIC

Extension relates to variance allowing utilization of a ScriptPro Pharmacy Automation Robotic Prescription Dispensing System SP 100 (specifically, you sought exemption from the Board's requirement that pharmacists check the manufacturer's original container from which the medication was withdrawn during the certification process of prescription filling)

Approved – one year

Snyder's Drug Store #5090 (Shakopee)

Gary Oien, PIC

Extension relates to variance allowing utilization of the Baker Cell automated dispensing machine

Approved – one year (reminder re documenting training of new technicians and annual retraining of existing technicians)

Trumm Drug (Alexandria)

Mark Trumm, PIC

Extension relates to variance allowing utilization of Baker Productivity Station automated dispensing machines

Approved – two years (reminder re documenting training of new technicians and annual retraining of existing technicians)

#### **PIC Changes:**

Merwin LTC Pharmacy #3 (Cambridge)

Theresa Jones, PIC

Extension relates to variance allowing the establishment of emergency kits at Minnesota Extended Treatment Options in Cambridge

Approved – one year (but when extended, give data on usage and kit should be checked monthly rather than quarterly)

PharMerica (Fridley)

Michael Koski, PIC

Variances relate to 1) allowing for an expansion of the emergency kit at Beverly Health Care, of Bloomington; 2) allowing nurses employed by PharMerica to assist the pharmacist in checking and inventorying emergency kits of various long-term care facilities; 3) allowing automatic 96-hour exchanges of all non-controlled and non-refrigerated emergency kits medication at various long-term care facilities; 4) allowing expanded emergency kits at Maplewood Good Samaritan Nursing Home, Lakeridge Health Care Center, and Hillcrest Health Care Center, in Wayzata (which also allows the inclusion of certain controlled substances in the emergency kit); 5) allowing an expanded emergency kit at St. Louis Park Plaza Health Care Center; 6) allowing the storage of records in a warehouse area behind the central pharmacy and in an off-site storage area approximately one-half mile from the pharmacy; 7) allowing electronic certification of prescriptions filled at PharMerica and changes in the prescription processing whereby the paperwork does not follow the prescription order through the entire prescription-filling process; 8) allowing your pharmacy to deliver prescriptions to four various Boston Health Care Systems Group Homes to the Boston Central Office Drop Site; and 9) allowing an expanded emergency medication kit at North St. Paul Transitional Care Unit  
Deferred (need specific information on each request)

Smart-Fill (Austin)

Jeremy Johnson, PIC

Extension relates to variance for the final certification of prescriptions being performed by a technician  
Approved – six months (report back one year afterwards regarding any errors or problems you may have encountered)